

**United States District Court****for the****Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Sep 19, 2022**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Daniel Joshua Hunka

Case Number: 0980 2:13CR00008-WFN-62

Address of Offender: [REDACTED] Spokane, Washington 99208

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: May 12, 2015

Original Offense: Conspiracy to Distribute a Controlled Substance, 21 U.S.C. §§ 846(a)(1), (b)(1)(C) and 846

Original Sentence: Prison - 114 months;  
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Stephanie A. Van Marter

Date Supervision Commenced: April 14, 2022

Defense Attorney: John Barto McEntire, IV

Date Supervision Expires: April 13, 2027

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**PETITIONING THE COURT**

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 06/03/2022, 09/01/2022, and 09/01/2022.

On April 18, 2022, Daniel Hunka reported to the U.S. Probation Office for the purpose of completing a supervision intake. The conditions of his supervised release were reviewed with him and he signed a copy of his judgment indicating an understanding of those conditions.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number      Nature of Noncompliance

6

**Standard Condition #2:** The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.

**Supporting Evidence:** It is alleged that Daniel Hunka violated the terms of his supervised release by failing to report as directed, on or about September 12, 2022.

On September 7, 2022, Mr. Hunka reported to the United States Probation Office. A sweat patch was applied to his upper arm to test the presence of illicit substances.

Prob12C

Re: Hunka, Daniel Joshua

September 16, 2022

Page 2

On September 9, 2022, at approximately 11:35 p.m., Mr. Hunka sent a text message claiming he had rubbed up against a shelf at work and the sweat patch had begun to peel off. He included a photo of the sweat patch. From this officer's training and experience, it appeared the sweat patch was tampered with. He was directed via text messaging to report Monday, September 12, 2022, at 9 a.m. to have the sweat patch removed.

On September 12, 2022, Mr. Hunka failed to report as directed. He was contacted via text message about failing to report. Mr. Hunka claimed he did not know he "had" to report and claimed the text message said he "could" report. However, the text message included a statement "You'll just have to go in Monday morning at 9 a.m. to have it replaced".

7 **Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** It is alleged that Daniel Hunka violated the terms of his supervised release by failing to follow the instructions of the probation officer by tampering with a sweat patch, on or about September 13, 2022.

On September 7, 2022, Mr. Hunka reported to the United States Probation Office. A sweat patch was applied to his upper arm to test the presence of illicit substances. At that time, he was directed not to tamper with the sweat patch and was provided basic care instructions.

On September 9, 2022, at approximately 11:35 p.m., Mr. Hunka sent a text message claiming he had rubbed up against a shelf at work and the sweat patch had begun to peel off. He included a photo of the sweat patch. From this officer's training and experience, it appeared the sweat patch was tampered with. He was directed via text messaging to report Monday, September 12, 2022, at 9 a.m., to have the sweat patch removed.

On September 12, 2022, Mr. Hunka failed to report as directed. He was contacted via text message about failing to report. Mr. Hunka claimed he did not know he "had" to report and claimed the text message said he "could" report. However, the text message included a statement "You'll just have to go in Monday morning at 9 a.m. to have it replaced".

He ultimately reported on September 13, 2022, and met with a U.S. probation officer (USPO). The USPO took a photo of the sweat patch that was applied on September 7, 2022. The patch was noted to be in very poor condition. The overlay sticker that provides extra protection for the actual testing patch was shriveled and the actual testing patch appeared deteriorated and was mostly gone. There were pieces of the sweat patch that were sent to the lab for testing. The results are currently pending. However, the specimen is likely untestable.

8 **Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** It is alleged that Daniel Hunka violated the terms of his supervised release by failing to follow the instructions of the probation officer by tampering with a sweat patch, on or about September 15, 2022.

On September 13, 2022, Mr. Hunka reported to the U.S. Probation Office. A sweat patch was applied to the back part of his shoulder. He had previously been advised not to tamper

Prob12C

Re: Hunka, Daniel Joshua

September 16, 2022

Page 3

with sweat patches. Due to concerns that Mr. Hunka had previously tampered with sweat patches, the USPO applied an extra overlay sticker for additional protection to the patch.

On September 15, 2022, Mr. Hunka reported to the United States Probation Office. The sweat patch applied on September 13, 2022, was observed and it appeared tampered with. The overlay protection stickers were shriveled and the patch itself appeared to have moved a significant amount. The patch was removed and sent to the lab for testing. The results are currently pending.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/16/2022

s/Melissa Hanson

Melissa Hanson  
U.S. Probation Officer

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#### THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

9/19/2022

Date